

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge John L. Kane

Civil Action No. **07-cv-01104-JLK**

**GEORGE CHRISTOPHER ASH,**  
Plaintiff,

v.

**COLORADO SPRINGS SCHOOL DISTRICT 11,**  
Defendant.

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**ORDER ON PRE- JUDGMENT HEARINGS**

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**Kane, J.**

The jury returned a verdict in favor of Plaintiff on September 24, 2010. Before judgment can be entered, two additional matters must be addressed: (1) the determination of front pay damages and the (2) the issue of attorney fees.

The parties shall meet and confer on these issues and file a joint status report specifically addressing the following issues:

1. *Front Pay Issues*: Is discovery needed? Will there be expert witnesses? If so, the parties shall submit a proposed deadline for *Daubert* motions challenging the proffered testimony. How much time will be needed for a bench trial on this issue? Can the amount of front-pay be stipulated? Would a mediator be able to assist the resolution of this issue? If so, would the parties like a magistrate judge appointed for that purpose?

2. *Issues Related to Attorney Fees*: Are any attorney fees opposed by Defendant? If so, the parties shall stipulate to a proposed briefing schedule, with Defendant filing a motion and an accompanying brief, with an answer brief due 10 days after the date of filing. If only the amount

of attorney fees is in controversy, counsel should consider stipulation as to an amount. If counsel are not able to stipulate to the amount of a reasonable fee, the parties can stipulate to either a special master or one expert to be appointed by the court or each party can select his or its own independent expert.<sup>1</sup> I will examine written reports and set the issue for a hearing. Counsel should be aware that I consistently rule that the amount of fees charged by opposing counsel is admissible in determining the proper lodestar for calculating the fee. Again, counsel should advise if a mediator can assist and, if so, whether the parties wish the appointment of a magistrate judge for that purpose.

The parties should also address whether they believe they will be able to settle this case in its entirety and, if so, whether a mediator would assist in that effort.

Dated: September 27, 2010

BY THE COURT:

/s/ John L. Kane  
SENIOR U.S. DISTRICT JUDGE

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<sup>1</sup> “Independent” means not associated in the practice of law with any attorney of record.